

ATTORNEY DOCKET NO.: 0492611-0392 (MIT 9128)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anderson, et al. Examiner: Shibuya
Serial No.: 09/803,319 Art Unit: 1639
Filed: March 9, 2001
For: Uses and methods of making microarrays of polymeric biomaterials

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. 1.131

We, Daniel G. Anderson, Robert S. Langer, and David A. Putnam declare as follows:

1. We are the inventors of the subject matter disclosed and claimed in United States patent application Serial No. 09/803,319 ("the '319 application") filed March 9, 2001 and entitled "USES AND METHODS OF MAKING MICROARRAYS OF POLYMERIC BIOMATERIALS".
2. This Declaration is presented for the purpose of removing from consideration by the Examiner U.S. Patent No. 6,699,665, by Kim, et al. ("Kim"). Kim issued as a patent on March 2, 2004, from an application filed on November 8, 2000. The present Declaration is presented in accordance with *In re Stempel*, 113 USPQ 77 (CCPA 1957) and establishes conception and reduction to practice of the invention in this country before November 8, 2000.
3. On a date before November 8, 2000, we conceived and reduced to practice our invention of a microarray of polymeric biomaterials.
4. Exhibit 1 is a copy of several pages from the computerized laboratory notebook of Daniel Anderson, with dates blacked out. Exhibit 1 provides evidence of conception and actual


reduction to practice of the claimed invention prior to November 8, 2000. In particular, the pages describe the deposition of polymer elements on substrates coated with various materials, including polyHEMA, and the culturing of cells on the polymer elements. Some sections of the laboratory notebook not related to the conception and reduction to practice of the invention have been redacted.

5. The originals of these documents bear dates prior to November 8, 2000.

5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; further, these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and such willful, false statements may jeopardize the validity of the application or any patents issued thereon.

Daniel G. Anderson

Date



Robert S. Langer

8/11/05

Date

David A. Putnam

Date